

Docket No.: TUC9-2003-0152 US1

January 9, 2006

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JAN 09 2006

Re: Applicant(s): Bui, et al.
 Assignee: International Business Machines Corporation
 Title: 'COMPENSATION FOR TAPE BREAKAGE IN A TAPE DRIVE'
 Serial No.: 10/765,789
 Examiner: Nguyen, John Quoc Filed: January 26, 2004
 Docket No.: TUC9-2003-0152-US1 Group Art Unit: 3654

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter (in duplicate); and
- (2) Response To Non-Final Office Action (1 page).

- No additional fee is required.
 The fee has been calculated as shown below:

CLAIMS AS AMENDED

	Claims Remaining <u>After Amendment</u>		Highest No. <u>Previously Paid For</u>		Present <u>Extra</u>	Rate	Additional Fee
Total Claims	35	Minus	35	=	0	x \$18.00	\$ 0
Independent Claims	10	Minus	10	=	0	x \$84.00	\$ 0
<input type="checkbox"/> Fee of _____ for the first filing of one or more multiple dependent claims per application						\$	
<input type="checkbox"/> Fee for Terminal Disclaimer						\$	0
<input type="checkbox"/> Fee for Request for Extension of Time						\$	0
Total additional fee for this Amendment:							\$ 0
<input type="checkbox"/> Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.						\$	
<input type="checkbox"/> Please charge our Deposit Account No. 09-0449 in the amount of						\$	0
<input checked="" type="checkbox"/> Also, charge any additional fees required and credit any overpayment to our Deposit Account No. 09-0449.						\$	0
						Total:	\$ 0

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (571-273-8300) on January 9, 2006.

John C. Kennel
Signature

1-9-06
Date of Signature

Respectfully submitted,


 John C. Kennel
 Attorney for Applicants
 Reg. No. 48,562
 Phone: (520) 799-5793
 Facsimile: (520) 799-5551

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John C. Kennel
Attorney for Applicants
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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 Assignee: International Business Machines Corporation
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MAIL STOP NON-FEE AMENDMENT
 COMMISSIONER FOR PATENTS
 WASHINGTON, D.C. 20231

RESPONSE TO NON-FINAL OFFICE ACTION

Dear Sir:

This paper is responsive to the Office Action dated December 9, 2005, having a shortened statutory period expiring on January 9, 2006. In response to the noted restriction requirement, Applicants elect Group 1, Claims 1-6, 12-17, 23-26, 32, and 34. Applicants hereby withdraw claims 7-11, 18-22, 27-31, 33 and 35.

Should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at the numbers provided below.

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, on January 9, 2006.	
	1-9-06
Attorney for Applicants	Date of Signature

Respectfully submitted,



John C. Kennel
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